

MINUTES OF THE CANANDAIGUA CITY COUNCIL MEETING
THURSDAY, DECEMBER 6, 2018 7:00 P.M.
City Council Chambers
City Website: canandaiguanewyork.gov

Pledge of Allegiance:

Roll Call:

Members Present: Councilmember Ward 1 Nick Cutri
Councilmember Ward 2 Robert Palumbo
Councilmember Ward 3 Karen White
Councilmember Ward 4 Renée Sutton
Councilmember-at-Large Robert O'Brien
Councilmember-at-Large James Terwilliger
Councilmember-at-Large Stephen Uebbing
Councilmember-at-Large David Whitcomb
Mayor Ellen Polimeni

Also Present: City Manager, John Goodwin
City Clerk-Treasurer Nancy C. Abdallah
Corporation Counsel Terence Robinson, Boylan Code

Review of Community Core Values: Councilmember Ward 4 Sutton read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

November 1, 2018	Moved: Councilmember-at-Large Terwilliger Seconded: Council Member Ward 1 Cutri <i>Vote Result: Carried unanimously by voice vote (9-0)</i>
November 15, 2018	Moved: Councilmember-at-Large Terwilliger Seconded: Councilmember-at-Large Uebbing <i>Vote Result: Carried unanimously by voice vote (9-0)</i>

Recognition of Guests:

City Council read Resolution 2018-111 which recognized and thanked retiring City Court Judge Stephen Aronson.

Committee Reports:

Councilmember-at-Large Terwilliger gave an outline on the 2019 Budget which City Council worked on and finalized throughout the month of November.

Committee of the Whole – December 11, 2018 (Appendix A)

Resolutions:

Resolution #2018-097

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Uebbing

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE
NEW YORK ENVIRONMENTAL PROTECTION AND SPILL COMPENSATION FUND**

WHEREAS, a former gas station, commonly known as Tom's Mobil, located at 267 South Main Street, has been an abandoned blight in Downtown Canandaigua for many years; and

WHEREAS, property taxes on the property have not been paid since 2011, with the current outstanding tax bill, including interest and penalties totaling \$100,810.85; and

WHEREAS, due to an open New York State Department of Environmental Conservation (NYSDEC) petroleum spill and know contamination on the site, the City has been unable to foreclose on the property without assuming the costly (estimated \$350,000) environmental remediation liability; and

WHEREAS, a recent shift in how the Office of the State Comptroller administers the New York Environmental Protection and Spill Compensation Fund has created an opportunity for the City to partner with the Comptroller's Office and the NYSDEC to remediate the site; and

WHEREAS, the Comptroller's Office has proffered an agreement that requires the City to be responsible for demolishing the structures on site and split the proceeds from the sale of the property 50/50 in exchange for releasing the City, and any future interested parties, from any liability related to the contamination remediation; and

WHEREAS the agreement also involves the NYSDEC being responsible for the remediation of the environmental hazards utilizing funds from the New York Environmental Protection and Spill Compensation Fund; and

WHEREAS, Staff recommends authorizing this agreement so that the City can address and remediate a blight on Main Street;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute an agreement with the New York Environmental Protection and Spill Compensation Fund in substantially the same form as attached hereto.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-098

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember Ward 3 White

A RESOLUTION ADOPTING THE 2019 BUDGET OF THE CITY OF CANANDAIGUA

WHEREAS, in accordance with Chapter 14 of the City Charter, the City Council of the City of Canandaigua has met and considered the City Manager's proposed budget for the 2019 fiscal year; and

WHEREAS, a duly noticed public hearing on the proposed 2019 budget was held on November 15, 2018; and

WHEREAS, various changes to the proposed budget were put forward by the City Manager and City Council resulting in the following for the City's major funds:

Fund	Expenditures	Revenues	Fund Balance Appropriation
General	\$15,322,791	\$14,583,069	\$739,722
Water	4,432,568	4,394,907	37,661
Sewer	3,964,647	3,396,602	568,045

; and

WHEREAS, City Council reviewed and approved all other funds and reserves;

NOW, THEREFORE, BE IT RESOLVED, that the 2019 budget, a copy of which is on file with the Clerk/Treasurer, is hereby adopted; and

BE IT FURTHER RESOLVED, that said budget, as adopted by the City Council of the City of Canandaigua, shall be effective for the fiscal year commencing January 1, 2019.

Discussion: Roundtable comments from City Council Members on the 2019 Budget.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-099

Moved: Councilmember-at-Large Uebbing

Seconded: Council Member Ward 1 Cutri

A RESOLUTION ESTABLISHING THE 2019 TAX LEVY AMOUNT AND AUTHORIZING THE CLERK/TREASURER TO SPREAD AND COLLECT THE SAME

WHEREAS, the City Council of the City of Canandaigua has adopted the 2019 Budget; and

WHEREAS, said budget calls for a property tax levy of \$5,232,188; and

WHEREAS, said budget also includes a special assessment levy of \$9,000, which is spread and extended upon properties that are within the boundaries of the Parking Lot Assessment District;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Canandaigua that the amount of \$5,232,188 shall constitute a levy of the amount to be raised by taxation in 2018 for the City of Canandaigua, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the current assessment tax roll, and to collect the same; and

BE IT FURTHER RESOLVED, that the amount of \$9,000 shall constitute a levy of the amount to be raised by the Parking Lot Assessment, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in the Parking Lot Assessment District.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-100

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION AUTHORIZING COLLECTION OF COUNTY TAXES

BE IT RESOLVED, that the Canandaigua City Clerk/Treasurer is hereby directed to collect from the several persons and corporations named in the Assessment Roll to which this warrant is annexed, the several sums of money mentioned in the column thereof, to wit: the one marked "County Taxes" and set opposite to the name of such persons or corporations respectively, together with your fee thereon, as hereinafter provided; and further

RESOLVED, that upon delivery of said Roll and Warrant, the Clerk/Treasurer shall mail to each taxpayer against whom any tax shall be charged on such roll, at last known post office addresses, a statement of the amount of such tax, designating the Clerk/Treasurer's Office in said City, as the place for receiving payment of the taxes from January 2nd to January 31st, both dates inclusive, from nine o'clock in the morning until four o'clock in the afternoon, and any person may pay her/his tax at the time and place designated; and further

RESOLVED, that upon all taxes collected after January 31, 2019 such Clerk/Treasurer shall collect one per centum; and after the expiration of said last day of February, collection of unpaid taxes shall proceed in the manner provided by the Statutes of the State of New York.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-101

Moved: Council Member Ward 1 Cutri

Seconded: Councilmember-at-Large O'Brien

A RESOLUTION APPROVING THE 2019 BUSINESS IMPROVEMENT DISTRICT (BID) BUDGET, ESTABLISHING THE 2019 BID CHARGE LEVY, AND AUTHORIZING THE CLERK/TREASURER TO SPREAD AND COLLECT THE SAME

WHEREAS, the Downtown Business Improvement District (BID) was established by the City Council on July 9, 1992 by Local Law No. 4; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2019 BID budget will be accepted by the Board of Directors of the Downtown Canandaigua Business Management Association, Inc. at its meeting of December 19, 2018; and

WHEREAS, the BID's 2019 budget, a summary of which is attached hereto, includes an amount not to exceed \$36,466 in anticipated revenue to be generated by the BID charge;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the proposed 2019 BID budget is hereby approved; and

BE IT FURTHER RESOLVED an amount not to exceed \$36,466 shall constitute a levy of the amount to be raised by the district charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in the Business Improvement District in accordance with the district plan, and to collect the same.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-102

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH SELECTED OUTSIDE AGENCIES AS APPROVED IN THE 2019 BUDGET

WHEREAS, the organizations, made a part of this resolution, have agreed to administer and provide individual or group programs for the citizens of the Canandaigua area; and

WHEREAS, said programs complement City goals through public safety, promotion of economic development, personal development, and social enrichment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the City Manager is authorized to execute contracts with these organizations as required and in accordance with the amounts appropriated in the 2019 Budget.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

Resolution #2018-103

Moved: Council Member Ward 2 Palumbo

Seconded: Councilmember Ward 3 White

A RESOLUTION ADOPTING THE CITY OF CANANDAIGUA FEE SCHEDULE

WHEREAS, in accordance with the Municipal Code of the City of Canandaigua, various fees pertaining to applications, permits, inspections, and services shall be set by resolution of the City Council, and;

WHEREAS, the City Council has reviewed the proposed "City of Canandaigua Fee Schedule" as part of its 2019 budget process;

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council that:

Section 1. The "City of Canandaigua Fee Schedule" shall be adopted as attached.

Section 2. Said fees shall take effect January 1, 2019.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

Resolution #2018-104

Moved: Councilmember Ward 4 Sutton

Seconded: Council Member Ward 2 Palumbo

**A RESOLUTION ESTABLISHING THE 2019 WATER RATES
FOR THE CITY OF CANANDAIGUA**

WHEREAS, the City Council has adopted the 2019 Operating Budget for the Water Fund; and

WHEREAS, the Water Fund Budget calls for an increase in the water rates in order to meet the financial requirements of the Water Fund in 2019; and

WHEREAS, the City of Canandaigua sells water to residential and commercial water customers within the City and by contract to several town water districts;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Canandaigua that the water rates charged for residential and commercial water customers within the City is \$3.383 per 1,000 gallons of water with a minimum quarterly charge of \$37.89 and that said rates shall be in effect for all water consumption billed on or after January 1, 2019; and

BE IT FURTHER RESOLVED, that the water rates charged for suburban customers is \$4.672 per 1,000 gallons of water with a minimum quarterly charge of \$52.33, and that said rates shall be in effect for all water consumption billed on or after January 1, 2019.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-105

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 4 Sutton

A RESOLUTION OPPOSING THE FEDERAL COMMUNICATIONS COMMISSION'S PROPOSED RULEMAKING ON THE IMPLEMENTATION OF SECTION 621(A)(1) OF THE CABLE COMMUNICATIONS POLICY ACT OF 1984 AS AMENDED BY THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992

WHEREAS, the Federal Communications Commission (FCC) announced Further Notice of Proposed Rulemaking to Section 621(A)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act Of 1992; and

WHEREAS, the new FCC rulemaking would allow cable companies to assess the value of a wide range of "in-kind" services related to providing public, educational, and government (PEG) channels, and deduct the fair market value from their franchise fee obligations; and

WHEREAS, under the proposed FCC rule, the "in-kind" services can include the "value" of the public , educational and government channels themselves, as well as any other services provided such as institutional networks, programming guides, and cable drops to schools, and government buildings; and

WHEREAS, the FCC proposed rulemaking fails to set any guidelines or limitations to the values that cable companies can assess, creating the potential for cable companies to zero out franchise fee payments to cities all together through arbitrary value assessments; and

WHEREAS, the FCC proposed rulemaking could also allow cable companies to use local rights-of-way for any purpose, regardless of the terms of the franchise, and avoid having to pay fair compensation to the local government for the use of publicly funded assets; and

WHEREAS, cable companies should not be able to set arbitrary values on "in-kind" services to the community, and fair and appropriate use of the public right-of-way is crucial to protecting the taxpayers' investment in infrastructure;

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Canandaigua opposes the Proposed Rulemaking regarding the implementation of Section 621(A)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act Of 1992.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

Resolution #2018-106

Moved: Council Member Ward 1 Cutri

Seconded: Council Member Ward 2 Palumbo

A RESOLUTION AWARDING A CAKE BIOSOLIDS HAULING CONTRACT FOR THE WASTE WATER TREATMENT FACILITY

WHEREAS, last year City Council awarded a contract for hauling cake biosolids from the Waste Water Treatment Facility to Feher Rubbish Removal via Resolution #2017-089; and

WHEREAS, Feher is no longer in business, and a new vendor must be found to perform this service; and

WHEREAS, the City of Canandaigua opened bids for the hauling of cake biosolids from the Waste Water Treatment Facility (WWTF) on November 28, 2018 to four vendors; and

WHEREAS, the only bid submitted was by Casella Waste Systems, Inc., located at 54 Doran Avenue in Geneva, NY with a unit bid of \$22.75 per wet ton with no exception; and

WHEREAS, funding for this service is included in the 2019 Waste Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Casella Waste Systems, Inc. to haul cake biosolids from the WWTF;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Casella Waste Systems, Inc. for the hauling of cake biosolids from the WWTF at a unit price of \$22.75/wet ton for one year.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None*

Resolution #2018-107

Moved: Council Member Ward 2 Palumbo

Seconded: Council Member Ward 1 Cutri

A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WASTE WATER TREATMENT FACILITY- FERROUS CHLORIDE

WHEREAS, the City of Canandaigua advertised a bid for the supply of approximately 70,000 gallons of ferrous chloride solution for the Waste Water Treatment Facility; and

WHEREAS, the requests for bids were sent directly to seven potential bidders, and a bid opening was held on November 14, 2018 with two suppliers responding; and

WHEREAS, the lowest bid was submitted by PVS Technologies, Inc. at a unit price of \$1.09 per gallon; however, the chemical proposed in the bid has not been approved for usage at the plant by the New York State regulatory agencies; and

WHEREAS, the lowest bid with an approved chemical was submitted by Slack Chemical Company, 465 S. Clinton Street, Carthage, NY 13619 with a unit price of \$1.11/gallon for a bid totaling \$77,700; and

WHEREAS, funding for this chemical usage is included in the proposed 2019 Waste Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Slack Chemical Company to supply ferrous chloride solution for 2019 and potentially for two additional one-year periods, subject to budget appropriations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Slack Chemical Company, 465 S. Clinton Street, Carthage, NY 13619, subject to the appropriations in the proposed 2019 City of Canandaigua Budget, for the purchase of ferrous chloride solution during the 2019 calendar year at a unit price of \$1.11 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-108

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Sutton

RESOLUTION #2018-108

A RESOLUTION AWARDING A MATERIAL SUPPLY CONTRACT FOR THE WATER TREATMENT FACILITY- SODIUM HYDROXIDE

WHEREAS, the City of Canandaigua advertised a bid for the supply of approximately 6,000 gallons of 25% sodium hydroxide, membrane grade, solution for the Water Treatment facility; and

WHEREAS, the requests for bids were sent directly to the current supplier and six additional potential bidders, and a bid opening was held on October 25, 2018 with three suppliers responding; and

WHEREAS, the lowest bid for sodium hydroxide was submitted by the current supplier, JCI Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, with a unit price of \$1.50/gallon for a bid totaling \$9,000; and

WHEREAS, funding for this chemical usage is included in the proposed 2019 Water Treatment Facility operating budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to JCI Jones Chemicals, Inc., to supply sodium hydroxide solution for 2019 and potentially for two additional one-year periods, subject to budget appropriations;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with JCI Jones Chemicals, Inc., 100 Sunny Sol Boulevard, Caledonia, NY 14423, subject to the appropriations in the proposed 2019 City of Canandaigua Budget, for the purchase of sodium hydroxide solution during the 2019 calendar year at a unit price of \$1.50 per gallon; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-109

Moved: Councilmember Ward 4 Sutton

Seconded: Councilmember Ward 3 White

A RESOLUTION A RESOLUTION AUTHORIZING AN AGREEMENT TO EXTEND THE USE OF LOCAL SOLID WASTE MANAGEMENT PLAN FUNDS THROUGH THE 2019 CALENDAR YEAR

WHEREAS, in 2017, the City of Canandaigua received Local Solid Waste Management Plan (LSWMP) funds for the implementation of projects intended to reduce the amount of solid waste generated within Ontario County; and

WHEREAS, the initial agreement requires payback of all funds if the selected projects are not completed by December 31st, 2018; and

WHEREAS, the City used these resources to fund the Composting initiative, however was unable to use all the funds allocated to implement waste reduction programs; and

WHEREAS, the County believes the City has chosen worthwhile programs for the allocated LSWMP funds, and desires to see them implemented; and

WHEREAS, the County has proposed amending the original agreement regarding to the use of LSWMP funds to extend the terms of the agreement; and

WHEREAS, the amended agreement allows for further implementation of the waste reduction programs in the City by extending the deadline to use allocated LSWMP fund for up to one year ending December 31, 2019, with the goal of completing the LSMWP projects by June 30, 2019; and

WHEREAS, Staff recommends authorizing the agreement so the projects using LSMWP funding that were started in 2018 can be fully implemented in 2019;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizing the City Manager to execute an agreement with Ontario County to extend the deadline for the use of Land Solid Waste Management Plan funding to December 31, 2019.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Palumbo, Councilmember Ward 3 White, Councilmember Ward 4 Sutton, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Uebbing, Councilmember-at-Large Whitcomb and Mayor Polimeni.

NOES: None

Resolution #2018-110

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember-at-Large Terwilliger

A RESOLUTION ADOPTING THE ONTARIO COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the City of Canandaigua, with the assistance from Ontario County and the Genesee Finger Lakes Regional Planning Council, has gathered information and prepared the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan; and

WHEREAS, said plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the City of Canandaigua has reviewed said plan and affirms that it will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED, that the City of Canandaigua hereby adopts the Ontario County Multi-Jurisdictional All Hazard Mitigation Plan, last updated July of 2018, as this jurisdiction's Hazard Mitigation Plan.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2018-111

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Whitcomb

A RESOLUTION RECOGNIZING AND THANKING JUDGE STEPHEN ARONSON FOR HIS DEDICATED SERVICE TO THE CITY OF CANANDAIGUA

WHEREAS, Judge Stephen Aronson has served the City of Canandaigua with distinction as City Court Judge since being appointed Acting Judge in 1981 and fully elected in 1983; and

WHEREAS, his work in establishing a drug court, and subsequently the veterans', mental health, and opioid courts, pioneered a model approach to criminal justice by identifying and providing programs and services as compassionate alternatives to incarceration for those in crisis; and

WHEREAS, in addition to presiding over the treatment courts he helped create, Judge Aronson's duties included weekend arraignments at the Ontario County Jail, Family Court work, DWI cases in Ontario County Court, criminal and family court assignments outside the county, criminal calendars every Monday and Wednesday, and traffic calendars every Wednesday; and

WHEREAS, the work Judge Aronson has done over the past thirty-seven plus years has not only contributed to the safety of the community, but also the quality of life enjoyed by City of Canandaigua residents; and

WHEREAS, elected office requires personal sacrifice, long hours and dedication, which often go unrecognized;

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council, on behalf of the residents of the City, hereby recognizes and thanks Judge Stephen Aronson for his dedicated service to the City of Canandaigua.

Vote Result: Carried unanimously by voice vote (9-0)

Ordinances:

Ordinance #2018-008: *(Remains on the Table)*

AN ORDINANCE AMENDING CHAPTER 292 OF THE MUNICIPAL CODE TO PROHIBIT PESTICIDES ON RIGHTS-OF-WAY

Local Laws: None

Manager's Report: City Manager John D. Goodwin reported the following:

- Congratulations to Kyle Krenzer (FLTV) and his wife on the birth of their baby daughter.
- DPW, weather permitting, will continue to collect leaves.
- City Manager John D. Goodwin read an annual report of city accomplishments in 2018.

Appointments:

Councilmember-at-Large Uebbing moved to reappoint Torsten Rhodes, Jeff Ayers and Lindsay Pennise to the Planning Commission. Council Member Ward 2 Palumbo seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0)

Councilmember Ward 4 Sutton moved to appoint James Davern, Susan Haller and Julie Harris to the Zoning board of Appeals. Councilmember-at-Large Uebbing seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0)

Councilmember-at-Large O'Brien moved to appoint Greg Richardson to the Board of Assessment Review. Councilmember-at-Large Whitcomb seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0)

Miscellaneous:

2019 Meeting Schedule will be discussed at the January meeting.

Executive Session:

Councilmember Ward 4 Sutton moved to close the regular meeting to go into Executive Session at 8:28 PM for pending litigation. Councilmember-at-Large O'Brien seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0)

Regular Session:

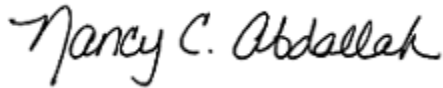
Councilmember Ward 4 Sutton moved to close the executive session and return to the regular meeting at 9:13 PM. Council Member Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0).

Adjournment

Councilmember Ward 4 Sutton moved to adjourn the regular session at 9:13 PM. Council Member Ward 1 Cutri seconded the motion.

Vote Result: Carried unanimously by voice vote (9-0).



Nancy C. Abdallah, Clerk Treasurer
City of Canandaigua

Appendix A
COMMITTEE OF THE WHOLE
Tuesday, December 11, 2018
6:30 p.m.
Wood Library- Ewing Family Community Room

Committee: Mayor Ellen Polimeni- Chair
Nick Cutri
Bob Palumbo
Karen White
Renée Sutton **(6:35 p.m.)**
Robert O'Brien
Jim Terwilliger **(6:40 p.m.)**
Steve Uebbing
Dave Whitcomb **(Absent)**

Staff: John D. Goodwin, Rob Richardson

1. Fire Service Level Discussion

The Mayor started out by explaining what the purpose of the meeting is, and decided to allow for public comments first.

John started by explaining his plan from previous meetings, and asked Council for guidance on what Council as a whole determines to be an appropriate staffing level. The Mayor added there are additional concerns over part-timers, Station #2, and our relationship with the Town.

Mike Yarger spoke first- he doesn't know what the proper level is but the study said the recommendation said 2 in, and two out. He also mentioned sprinkler systems, and how he doesn't see this as a viable option because of the potential for extensive water damage from freezing pipes.

Ryan Zhang added that there is a daunting cost to property owners for sprinkler systems and it doesn't replace the need for additional staffing.

Mary Fishette had a situation with carbon monoxide at her home a few weeks ago- one went off and one was silent. The FD came and checked it out, and she did in fact have a leak. They took care of the issue and wouldn't leave until the issue was resolved. This prevented a much larger problem, and she thinks if there was a more serious call she would have been in trouble. Ben Cramer invited her so she came to support the department, and although she doesn't want a raise in taxes, she wants an increase in staffing and community outreach for smoke detectors and carbon monoxide detectors.

Bob started by recounting the history of how we got to this point. He talked about the Matrix study, the layoffs, and department dinner in February, and all said they were struggling to find volunteers. The VA isn't going to be an option for us, so we need to increase staffing. Council said they would respect the study, and John had a plan to add 18 by 2020 which the town agreed too. Citizen survey said they were willing to pay more, and he doesn't know why we're even having this meeting. The need is immediate and we should have added more fire fighters during the budget process.

Karen is concerned that the fire study hasn't really moved the needle towards what it was intended to do. They are only focusing on one recommendation. Our goal is to protect people, and Mary brought up

some good points about educational programs. She thinks it's wrong we charge for inspections, and that 24-hour shifts are unproductive. She added 66% of respondents said they would pay higher taxes, but 80% said they were satisfied with our current service level. She also thinks we need to work in lock step with the town and not rushing ahead of them. She also thinks the sprinkler idea is being underestimated, and water damage caused by fire hoses is also possible. She is reluctant to move ahead with 18 on staff, and proposes we spend time developing a plan.

Jim added we're limiting our options and focusing on a how rather than what. He sees the goal as having 4 trained, qualified fire fighters regardless of if they are union or not. He doesn't think we've explored automatic response from the VA enough, and is he is anxious to have fast service at a reasonable cost.

Renée spoke about the VA and automatic aid agreement- have we proposed it and did they turn it down? The Mayor said it has been discussed but there have been several leadership changes and they were open to in. John added it's more than the chief- it's the regional director. Renée wants to put this to bed, because the VA will not agree to the agreement and they never will. John added they will respond to structure fires only, but they have concerns. We will be pursuing it further. Renée asked when the change over in leadership was, and the Mayor added there is an interim person now who replaced another interim person. Renée added she hopes we can separate optimal staffing from the union contract. We can't resent them because we think the union is the source of the problem- they are just doing their job representing the fire fighters.

The Mayor added that in other communities where departments have increased they would lose their fire department, and she sees that as a piece to the discussion that needs to be considered.

Steve sees this from a wholistic approach. He would like to see all our staffing in departments be at the optimal level- this includes the PD, DPW, Administration and the FD. He added we included staffing by a 1/3 this year, and with the Town we have the potential to increase it further. He can't ignore that fact. He wants to get the FD back to 15, and then focus on helping the other departments to make sure they are properly staffed. He would also like to try and keep taxes close to what they are now. The key to that is the growth of the relationship with the Town. He wants to support the fire department, but is not willing to do so at the expense of the rest of the City.

Robert agrees that we need to put the VA thing to bed- we should make them make a decision so that we know how to move forward. He thinks there are a lot of handshake deals, but if we are going to have a department mutual aid needs to be mutual not traditional. He also thinks we should take on the regional mantel and bring in other municipalities as a way to fund a growing staff. The study didn't say who the 4 at the scene had to be- they just needed to be interior qualified. Jim agreed with Renée and Robert. John said we will set up a meeting after the holidays and get a definitive answer.

Mike Yarger added there are new hardships on volunteer departments because of the financial burden on the insurance for firefighters. This will make it harder to rely on volunteer departments. The Mayor added that the number one concern in budgets for area municipalities is fire service and they are looking for a regional approach to make it more affordable. Mike Yarger thinks the County should be leading that, not the City. John added they have begun conversations with Mary Krause about them taking the lead, and we need more leadership from the County. Doug added it would be something Mary will bring up in the coming year.

The Mayor moved on to discussing part time fire fighters as a way to discuss scheduling needs. Chief Magnera wasn't in favor of this, and didn't think there would be interest in those positions. Steve had a discussion with a volunteer firefighter and asked if he would be willing to work if there are positions

open, but there is no one looking for part time fire fighters. He thinks we should be cultivating this group of firefighters. Ryan asked about the training for potential part timers and if we are willing to pay them. Steve said he would expect them to come in with some form of training. Steve said that isn't a fair question, and he would need to see the cost. John added that if they became part time professionals, they would need to meet the same 100-hour training requirements. Steve said we need to be open to other options instead of shooting things down before exploring it. The Mayor concurred we need to be open to other options and there has to be the willingness to try different approaches moving forward.

The Mayor asked what Bob thinks, and he said these are good ideas. He also talked about the bunker and tuition programs that were successful because these people went to other departments and got jobs. We're already training fire fighters for other departments. Unless there is a spot for them to come into they leave and we've paid to prepare them for other places. We have to pursue keeping these people once we train them.

Robert thinks Steve's story is interesting, but this is a perfect example for why regionalization is needed. If we all are trained to the same level the fire fighters can go to different departments and be ready. This is a perfect opportunity for the County to take on. Steve agrees with Robert that regionalization is the right thing to do, but we don't have that right now. He added we might lose people who use us as a jumping off point, but there are also lots of people who enjoy firefighting but don't want to give up their day jobs. They might want to work a shift, and we should give preference to those people who live in our community. John added we hire of a City civil service list, but they have to be available.

The Mayor asked Doug if he would like to add anything. He also reminded us we didn't use to have the cooperation from the Town, and things have come a long way in the last 18 months and there is more coming. He thinks this is a community matter, and we should continue to look at it that way. He added we keep talking about staffing, but there are 26 recommendations that he is holding the City accountable to. He has a proposed contract for fire protection that is being discussed Monday that includes deadlines for things that need to be implemented. He also added that page 29 of the study mentions part time slots being held up. The Town wants to be a partner but these items need to be addressed.

The Mayor gave the floor to Henry Smith. He thinks we need to be responsible for our own City, and relying on other departments could result in loss of life. He intends to become a fire fighter, and the Mayor applauded him for being here.

Jim asked if the Town is on board with getting to 15 people in 2020, and Doug said the Town is having similar discussion. They have 28 special districts, including fire protection. He shared some of these numbers, and he but he also thinks there needs to be additional cost sharing beyond the Town and City footing the bill. He thinks some smaller towns, like Gorham, need to establish fire protection districts to help offset cost.

Steve asked Doug what the Town thought about closing Station #2, and Doug said it should be left to the discretion of the Chief. He thinks there'd be opposition to closing it because of Stable Gate. Steve added the study talks about mustering the strongest force- not coming from 2 different stations. John added he has been in discussions with the Emergency Squad about having someone posted up there, as well as sharing it with the Emergency Squad who is looking for a new spot anyway. Renée asked if the contract with the Town is just for fires or everything, and John added we have been doing some courtesy EMS response.

Henry added it would cost more money to get more firemen, but it was clear the study said we need more firefighters. Even getting to 12 isn't getting us back to the levels of 2010.

Robert thinks we need to be very clear that if we can't get aid from other departments, we are going to end up being the defacto regional service which isn't the City taxpayer responsibility. He would also like to see what type of calls we respond too, and are we carrying the lions share of responsibility already. He doesn't understand the agreements. John added he looked at this, and it's about 50/50. We can look at man hours to man hours, but we haven't done that yet. Robert thinks we need to start to understand these numbers. As the surrounding areas start to grow, they may need more support and we need to be ready for that.

Steve wants to make sure the Town is accountable to us as well- these new folks become City employees and the Town doesn't accrue any of the long-term costs. That needs to be remembered, and that we need to be accountable to each other. The Town is interested in entering into a long-term contract.

Ryan talked about the State of Pennsylvania and the emerging fire service crisis, so we need to learn from that and the City and Town are in a good position to address this now. We need to position ourselves to be the leaders and waiting for others to help us fill that void is irresponsible.

John mentioned we can apply for the SAFER Grant in January, but we can also skip this round. We've discussed applying for 6, but we can also not accept all the money. John added there would be a risk in that strategy. Not taking full money in 2012 likely impacted our most recent applications. Steve says we should go with 6 because we might not get 6 anyways. Bob also agrees with 6. Bob asked if we could see the fire contract, and John said yes. The Mayor asked if we could get some commitment from the Town regarding a direction for 2020, and Doug said he doesn't think it should be in the contract but he needs time to address some other recommendations. Doug says he thinks we could have a concept by July. He doesn't want to sever any relationships so this is going to take time.

Straw poll: 6 in favor of applying for 6, 2 opposed (Jim & Karen). We will submit a SAFER grant for 6.

The Mayor added we need to continue to explore regionalization, and John agreed but that is going to take a long, long time. We need to temper our expectations a bit.

Jim said we need to set up further meetings with the VA, and the Mayor and John agreed. We need to come to a conclusion and agreement if there is an opportunity. Steve added we should continue to look at part timers, including trained volunteers. John added we can give it a go right now. Robert said we need to find a way to get volunteers trained, and John said we cover it but the issue is they need to miss work. Now with the increased requirements we need to try and find a way to help offset the cost. Karen hope the strategies of volunteer recruiting are being cultivated as recommended in the report. John said he has spoken to the volunteer companies about different incentives we can offer those volunteers instead of just giving them the money. Karen asked if volunteers can be used for different roles, and John said that can be discussed. Renée said Karen made one of the points she did- she would like to see more documented progress from John on reporting. John said he can do that monthly. Doug added the contracts with other places include training standards.

Ryan added the Erina Hose Company has onboarded 2 new volunteers, and potentially a 3rd. The amount of effort that goes into this takes a lot of work, and the City isn't doing enough to help. If we want to get serious then we need to support the volunteers we have right now. The token amount of money they get from the City isn't enough. John asked if the career department guys are helping, and John said he would talk to the Chief to see if they get more support. Ryan would like a follow up meeting. John agreed and said he would work with them to develop a plan.

Robert then moved on to talk about fire suppression. He then read some statistics from the study that supported why we should explore fire suppression into households through some sort of City program. What he read suggested we should be pursuing this aggressively because it creates safer conditions for fire fighters to enter. We should come up with some sort of program and Karen agreed. Bob is all for that, but it doesn't change the existing set up of the City. Mike added there are other forms of suppression, including fire extinguishers, which the City doesn't currently require it. We should start here. Ryan doesn't think fire suppression systems is cost effective and is a misappropriation of our time discussing fire staffing levels. Steve said he isn't comfortable with Ryan shutting the idea before we even look at it. Renée added she is really heartened by this conversation, and this isn't an "either or" way to protect the City. George Smith added sprinklers are important, but retrofitting some properties could be astronomical. If we wanted to get this going we should start with new construction. Victor tried to do this a few years ago and it was stopped dead in its tracks. These are great but even when they are triggered it's a lot of work.

The Mayor asked if John felt like he has appropriate guidance, and he recounted all the things we've discussed this evening.

The Mayor pointed out we've spent a great deal of time and effort addressing fire service in the City, and while some might not feel that way it's true. Since the study from CPSM came out we've spent a ton of time trying to find ways to make fire service sustainable, and she believes we're moving in the right direction. It's also important to make sure we're supporting the other understaffed departments. Council needs to remember that, and we still need additional police officers and DPW staff. For now, we are concentrating on the fire service.

Robert motioned to close, Bob seconded.

Meeting adjourned at 8:28 p.m.